IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1124 of 2004

JEEWAT RAM
V/S
PARBAT SINGH & ANR

Mr. HEERA SINGH for MR.PRADEEP SHAH, for the appellant

Date of Order : 3.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned award. Only contention of learned counsel is that the impugned award is inadequate inasmuch as his income has been under assessed by the learned trial court.

According to the claimant, he was earning Rs. 7,000/- per month, and has admitted that he was not paying any income tax. The appellant is a private medical practitioner, practicing at Pindwara. In these circumstances, the absence of any corroborative material except the bald word of the mouth of claimant that the trial court has not believed this version on the face value, and has accepted the income to the highest extent below the taxable limit, it cannot be said that the learned trial court was in error. Present is the case where the claimant is well educated doctor, and it is a case of personal injury where claimant could very well produce other corroborative material to establish his income at the time of accident.

In that view of the matter, I am not inclined to interfere with the finding of learned trial court in not accepting the claimant's statement on its face value. The appeal, thus has no force, is hereby dismissed summarily.

(N P GUPTA),J.

/Srawat/